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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ELAINE FUDA, an Individual;

Plaintiff,

vs.

VESTAR PROPERTIES, INC., a Foreign Corporation; JOHN DOE, an Individual; JANE DOE, an Individual; UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SERVICES, a Foreign Limited-Liability Company; DOES 1 Through 25, inclusive; and ROE CORPORATIONS 1 Through 25, inclusive,

Defendant.

Case No.: 2:24-cv-00468-BNW

**STIPULATION AND ORDER TO
DISMISS PLAINTIFF’S THIRD CAUSE
OF ACTION AND STRIKE CLAIM FOR
PUNITIVE DAMAGES AS TO
DEFENDANT UNIVERSAL
PROTECTION SERVICE, LLC**

Plaintiff ELAINE FUDA (“Plaintiff”) and Defendants VESTAR PROPERTIES, INC. (“Vestar”) and UNIVERSAL PROTECTION SERVICE, LLC d/b/a ALLIED UNIVERSAL SERVICES (“Allied”) (collectively, “Defendants”) (together with Plaintiff, the “Parties”), by and

through their respective undersigned counsel, hereby submit this Stipulation and Order to dismiss Plaintiff's third cause of action against Allied and strike Plaintiff's punitive damages allegations as to Allied.

STIPULATION

WHEREAS, on March 11, 2024, Allied filed a Motion to Dismiss Plaintiff's Third Cause of Action Pursuant to FRCP 12(b)(6), (ECF No. 7), and a Motion to Strike Plaintiff's Punitive Damages Allegations Pursuant to FRCP 12(f), (ECF No. 8).

The Parties hereby stipulate that:

1) Plaintiff's Third Cause of Action for Intentional Infliction of Emotional Distress, (ECF No. 1-3 at ¶¶ 55–63), shall be dismissed against Allied; and

2) Plaintiff's punitive damages allegations as to Allied, (ECF No. 1-3 at ¶¶ 45-46; 53; 61-62; and p. 12, l. 7), shall be stricken from Plaintiff's First Amended Complaint.

It is so stipulated,

It is so stipulated,

DATED this 26th day of March 2024

DATED this 26th day of March 2024

/s/ Paul H. Wolfram, Esq.

/s/ Sebastian Cribari, Esq.

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Attorneys for Defendant

Attorneys for Plaintiff

Universal Protection Service, LLC d/b/a

Allied Universal Services

1 It is so stipulated,
2

3 DATED this 26th day of March 2024

4 /s/ Jonathan C. Patillo, Esq.

5 **LARRY H. LUM, ESQ.**

6 Nevada Bar No.: 14914

7 **KAREN L. BASHOR, ESQ.**

8 Nevada Bar No.: 11913

9 **JONATHAN C. PATILLO, ESQ.**

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15 *Attorneys for Defendant Vestar Properties, Inc.*
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ORDER

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 3/27/24